AMENDMENTS TO THE DRAWINGS

Please replace the drawings with the attached Replacement Drawings.

Attachment: Replacement sheets

REMARKS

Election Requirement

In view of the Examiner's finality of the restriction requirement, claims 92-108 have been withdrawn from the present application without prejudice to submit the withdrawn claims in one or more divisional applications.

Formal Objections:

The abstract of the disclosure has been objected because of its length. Accordingly, the abstract of the disclosure has been replaced with one incorporating the Examiner's kind suggestion, and applicant respectfully requests that this objection to the abstract be withdrawn.

The specification has been objected to because of a typographical error in paragraph [0020]. The compound "SiO_2" in paragraph [0020] was inadvertently translated and written as "SiO_3" from the corresponding international PCT application. Applicant notes that the present application is a national phase application of international PCT published application WO 2204/050944, which correctly recites SiO_2 in the corresponding paragraph, see page 6, lines 26-29 of the corresponding international PCT application. Accordingly, paragraph [0020] has been rewritten to correct typographical error and correctly recite SiO_2. In view of the foregoing, applicant respectfully requests that this objection to the specification be withdrawn.

Additionally, we corrected inadvertent typographical error in paragraph [0068], the compound "SiO_2" in paragraph [0068] was inadvertently translated and written as "SO_2" from the corresponding international PCT application.

The drawings have been objected because of German text. Applicant submits herewith replacement drawings with translated English text. Accordingly, applicant respectfully requests this objection to the drawings be withdrawn.

§ 112 Rejection

Claims 69-70 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for a minor informality. Claim 69 has been amended incorporating the Examiner's kind suggestion. Accordingly, applicant respectfully requests this rejection to claims 69-70 be withdrawn.

Claims 83-91 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite for few minor informalities. Claims 83 and 85 have been amended to recite that the term DEF is an abbreviation for the term "deficit" and the phrase "a value of a deficit of said reactive component" has been amended to essentially read "a deficit (DEF) value of said reactive compound." Accordingly, applicant respectfully requests that these rejections to claims 83-91 be withdrawn.

Claim 89 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for a minor informality. Claim 89 has been amended to essentially recite that the number of interfaces (N_1) between the high-refracting and low-refracting coatings is greater than 3. Accordingly, applicant respectfully requests that this objection to claim 89 be withdrawn.

§§ 102, 103 Rejections

Claims 55-91 have been rejected as being allegedly anticipated by U.S. Patent No. 6,217,720 to Sullivan et al. (hereinafter "Sullivan"). Alternatively, claims 75-77 have also been rejected as being allegedly unpatentable over Sullivan. Applicant respectfully traverses these rejections.

A rejection based on 35 U.S.C. §102 requires that the cited reference disclose each and every element covered by the claim. *Electro Medical Systems S.A. v. Cooper Life Sciences Inc.,* 32 U.S.P.Q.2d 1017, 1019 (Fed. Cir. 1994); *Lewmar Marine Inc. v. Barient Inc.*, 3 U.S.P.Q.2d 1766, 1767-68 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988); *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2D 1051, 1053 (Fed. Cir.), *cert. denied*, 484 U.S. 827 (1987). The Federal Circuit has mandated that 35 U.S.C. § 102 requires no less than "complete anticipation ... [a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim." *Connell v. Sears, Roebuck & Co.*, 772 F.2d 1542, 1548, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983); *See also*, *Electro Medical Systems*, 32 U.S.P.Q. 2d at 1019; *Verdegaal Bros.*, 814 F.2d at 631.

Although Sullivan describes a method of depositing multilayer coating on a substrate using reactive sputtering, contrary to the Examiner's assertion, Sullivan fails to teach a method for producing one or more coating on a moving substrate using a combination of reactive sputtering deposition with a subsequent plasma treatment, as required in claims 55-91. That is, Sullivan fails to teach the two step process claimed in the present invention. A reference silent as to the claimed limitation cannot possible teach the claimed invention, as incorrectly asserted by the Examiner. It is well known that the prior must to be judged based on a full and fair consideration of what that art teaches, not by using applicant's invention as a blueprint for gathering various bits and modifying the pieces in an attempt to reconstruct applicant's invention.

"To imbue one of ordinary skill in the art with knowledge of the present invention, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim of the insidious effect of hindsight syndrome, wherein that which only the inventor taught is used against the teacher." *W.L. Gore & Assoc. v. Garlock, Inc.*, 721 F.2d 1540, 1553 (Fed. Cir. 1983). Applicant respectfully submits that the Examiner

cannot use hindsight gleaned from the present invention to modify the clear teaching of the prior art reference to render claims unpatentable. The prior must to be judged based on a full and fair consideration of what that art teaches, not by using Applicant's invention as a blueprint for gathering various bits and modifying the pieces in an attempt to reconstruct Applicant's invention.

Additionally, Sullivan fails to teach or suggest reactive deposition of a coating with a given stoichiometric deficit of the second constituent, as required in claim 55. In fact, as admitted by the Examiner, Sullivan merely describes adjusting the deposition power and oxygen flow to maintain the desired stoichiometry of the coating. (See Office Action at page 7). However, Sullivan does not teach or suggest a coating with given stoichiometric deficit of the second constituent. In fact, applicant's carefully reading of Sullivan could find any mention of the term "deficit," let alone "stoichiometric deficit" of the second constituent. The Examiner cannot misconstrue the plain meaning of the claim limitation to render the claims unpatentable.

Further, Sullivan fails to teach or suggest modifying the structure or stoichiometry of the coating by a plasma treatment, as required in claims 55-91. Applicant respectfully notes that the Examiner failed to address this claim limitation in his Office Action because Sullivan is completely silent as to the plasma treatment of the coating. A reference silent as to the claimed limitation cannot possible teach the claimed invention.

Hence, contrary to the Examiner's assertion, Sullivan does not anticipate or render obvious claims 55-91 because Sullivan fails to teach all of the claim limitations of the present invention. Therefore, Sullivan is not an anticipatory reference to the present invention and, additionally, the Examiner has failed to establish a *prima facie* case of obviousness.

Moreover, contrary to the Examiner's assertion, Sullivan does not teach or suggest monitoring the coating and adjusting the optical properties of the coating after the plasma treatment, as required in claims 59 and 60. As noted herein, Sullivan is completely silent as to the plasma treatment. A reference silent as to the claimed limitation cannot possible teach the claimed invention, as incorrectly asserted by the Examiner.

Contrary to the Examiner's assertion, Sullivan fails to teach or suggest regulating the plasma source, as required in claim 63. Sullivan is completely silent as to the plasma source. A reference silent as to the claimed limitation cannot possible teach the claimed invention, as incorrectly asserted by the Examiner.

Contrary to the Examiner's assertion, Sullivan fails to teach or suggest depositing a coating with a preset deficit of the reactive component, as required in claim 66. As noted herein, Sullivan is completely silent as to the deficit of the reactive component. A reference silent as to the claimed limitation cannot possible teach the claimed invention, as incorrectly asserted by the Examiner.

Contrary to the Examiner's assertion, Sullivan does not teach or suggest establishing partial pressures of the reactive component in the area of the plasma source, as required in 72. As noted herein, Sullivan is completely silent as to the plasma source. A reference silent as to the claimed limitation cannot possible teach the claimed invention, as incorrectly asserted by the Examiner.

Contrary to the Examiner's assertion, Sullivan does not teach or suggest generating a plasma action by the plasma source, as required in claim 73. As noted herein, Sullivan is completely silent as to the plasma action and plasma source. A reference silent as to the claimed limitation cannot possible teach the claimed invention, as incorrectly asserted by the Examiner.

Contrary to the Examiner's assertion, Sullivan does not teach or suggest that the interface layer between the high-refractive and low-refractive layer has a deficit value of the reactive component is less than 0.5, as required in claim 87. As noted herein, Sullivan is completely silent as to the deficit of the reactive component. A reference silent as to the claimed limitation cannot possible teach the claimed invention, as incorrectly asserted by the Examiner.

Contrary to the Examiner's assertion, Sullivan does not teach or suggest selecting a diminishing value of the deficit of the reactive component as the rate of deposition increases, as required in claim 88. As noted herein, Sullivan is completely silent as to the deficit of the reactive component. A reference silent as to the claimed limitation cannot possible teach the claimed invention, as incorrectly asserted by the Examiner.

Contrary to the Examiner's assertion, Sullivan does not teach or suggest utilizing a plasma source to modify the structure of the layer, as required in claim 90. As noted herein, Sullivan is completely silent as to the plasma source. A reference silent as to the claimed limitation cannot possible teach the claimed invention, as incorrectly asserted by the Examiner.

On the basis of the above remarks, reconsideration and allowance of all of the pending claims 55-91 are respectfully requested.

* * *

Applicant is submitting PTO form 2038 to cover the fee associated with the accompanying petition for 3-month extension of time. Also, if any additional fee is due, please charge our Deposit Account No. 50-0624, under Order No. RPP 201 US (10505883) from which the undersigned is authorized to draw.

Respectfully submitted,

By

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REPLACEMENT SHEETS